

**MEDICAL EXAMINING BOARD
MINUTES
JUNE 17, 2009**

- PRESENT:** Carolyn Bronston, Jude Genereaux, Dr. Jerold Harter, Dr. Sujatha Kailas (arrived at 8:05), Dr. Jack Lockhart, Dr. Raymond Mager, Dr. Suresh Misra, Dr. Ian Munro, Dr. Gene Musser, Dr. Sandra Osborn, Dr. Bhupinder Saini, Dr. Sheldon Wasserman (arrived at 8:05)
- STAFF:** Gail Sumi, Division Administrator; Michael Berndt, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DRL staff
- GUESTS:** Anne Hletko and Richard Faust, Council on Physician Assistants; Judy Warmuth, Wisconsin Hospital Association; Mark Grapentine, Wisconsin Medical Society; Lou Falligant, Eric Jensen and Clark Collins, WAPA

CALL TO ORDER

Chair Gene Musser called the meeting to order at 8:00 a.m. a quorum of 10 members was confirmed.

APPROVAL OF AGENDA

Amendments:

- In Open Session - Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Bruce E. Greenfield, MD, was removed from the agenda.
- In Open Session – Presentation of Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Nedal S. Mejalli, MD. In Closed Session after Item N – Deliberation of this item.
- In Open Session - Presentation of Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Alejandro Vinluan, MD. In Closed Session after Item N – Deliberation of this item.
- In Open Session under Item C – additional information handed out at the meeting and add Appointment of Screening and Oral Exam Panels for July-December 2009
- In Open Session, Items E and F– materials handed out at meeting
- In Open Session, under IPP Taskforce Report – information handed out at meeting
- In Open Session, under Practice Questions – Letter from Gary Andrews regarding hospital lab accepting orders from out-of-state physicians
- In Open Session, under Informational Items – Article from *The New Yorker*

- In Closed Session, under Monitoring – Request for three-month stay of suspension for Thomas Goodrich, DO, and Request for Modifications of Order for Steven Mason, MD.

MOTION: Suresh Misra moved, seconded by Raymond Mager, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MAY 20, 2009

Corrections:

- On Page 3 under BUDGET REPORT, in the fifth line, delete “him to”
- On Page 11 under PROPOSED WISCONSIN MEDICAL SOCIETY RESOLUTIONS, correct spelling of “maloxone” to “nalaxone”

MOTION: Raymond Mager moved, seconded by Jack Lockhart, to approve the Minutes of May 20, 2009 as corrected. Motion carried unanimously.

PRESENTATIONS OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

PERI L ALDRICH, MD

DOE attorney Arthur Thexton presented a Proposed Stipulation and Final Decision and Order in the matter of disciplinary proceedings against Peri L. Aldrich, MD. This matter will be deliberated in closed session.

STEVEN ERLEMEIER, MD

DOE attorney Jeanette Lytle presented a Proposed Stipulation and Final Decision and Order in the matter of disciplinary proceedings against Steven Erlemeier, MD. This matter will be deliberated in closed session.

SUSAN E PATTIS, MD

DOE attorney Jack Zwieg presented a Proposed Stipulation and Order and Consideration of any Objections in the matter of disciplinary proceedings against Susan E. Pattis, MD. This matter will be deliberated in closed session.

NEDAL S MEJALLI, MD

DOE attorney Pamela Stach presented a Proposed Stipulation and Final Decision and Order in the matter of disciplinary proceedings against Nedal S. Mejalli, MD. This matter will be deliberated in closed session.

ALEJANDRO VINLUAN, MD

DOE attorney Pamela Stach presented a Proposed Stipulation and Final Decision and Order in the matter of disciplinary proceedings against Alejandro Vinluan, MD. This matter will be deliberated in closed session.

**PRESENTATION OF PROPOSED DECISIONS THAT MAY BE RECEIVED IN
THE BUREAU AFTER MAILING OF THE AGENDA**

None.

**PETITIONS FOR RE-HEARING THAT MAY BE RECEIVED IN THE BUREAU
AFTER MAILING OF THE AGENDA**

None.

**PETITIONS FOR SUMMARY SUSPENSION RECEIVED IN THE BUREAU
AFTER MAILING OF THE AGENDA**

None.

**PETITIONS FOR EXTENSION OF TIME IN CASES THE MAY BE RECEIVED
IN THE BUREAU AFTER MAILING OF THE AGENDA**

None.

**REQUESTS FOR DISCIPLINARY PROCEEDING PRESENTATIONS
RECEIVED IN THE BUREAU AFTER MAILING OF AGENDA**

None.

**APPEARANCES FROM REQUESTS RECEIVED OR RENEWED AFTER
MAILING OF THE AGENDA**

None.

**SPEAKING ENGAGEMENT, TRAVEL AND PUBLIC RELATION REQUESTS
THAT MAY BE RECEIVED IN THE BUREAU AFTER MAILING OF THE
AGENDA**

None.

ADMINISTRATIVE REPORT

Update on State Budget

The Board reviewed the JCF Motion Relating to the Medical Examining Board staffing and structure at the DRL. The budget still needs Senate approval before being returned to the Governor.

The Board reviewed the JCF Motion Relating to the Wisconsin Chiropractic Association.

New E-Credential

Cathy Pond, Division Administrator, Professional Credential Processing, appeared before the Board to explain the new E-Credential that will become effective July 1, 2009. All credential holders who renew online will receive an email from DRL with instructions on how to print their credential. Credential holders will also be able to update name and address changes online and print an updated credential. E-Credential will eliminate the wait for renewed credentials to be mailed and credential holders may print duplicate copies without paying a fee. For individuals who do not renew online, the Department will process the renewal and will mail the same renewal format as the E-Credential, however it will be printed in black and white.

Awareness of E-Credential will be achieved through a press release, information on the DRL website and possibly via Regulatory Digests and professional associations.

Sheldon Wasserman asked about charging an additional fee for the credential holders who do not renew online and therefore necessitate paperwork for the Department and staff. Cathy Pond responded that DRL does not have statutory authority to charge additional fees above the renewal fees. Dr. Wasserman suggested the Board ask for this statutory change.

Case Timelines Report

Noted.

Appointment of Screening and Oral Examination Panels for July – Dec., 2009

(handout in red folder)

**CONSIDER MOTION TO ADOPT STREAMLINED LICENSING OF
MINNESOTA LICENSED PHYSICIANS**

MOTION: Jerold Harter moved, seconded by Ian Munro, for applicants who hold a full and unrestricted Minnesota physician license, exclusive of the Minnesota Telemedicine license, the Board accepts the Minnesota license as proof of compliance with the licensing requirements set out in Wis. Adm. Code § MED 1.02(2)(3)(4) and § MED 1.06(3). This is to be effective no later than August 1, 2009. Motion carried unanimously.

**CONSIDER MOTION TO ADOPT CR09-005, CH. MED 20, RELATING TO
TEMPORARY CERTIFICATES FOR RESPIRATORY CARE PRACTITIONERS
WHO ARE CERTIFIED IN OTHER STATES**

MOTION: Sujatha Kailas moved, seconded by Suresh Misra, to adopt CR09-005 relating to temporary certificates for respiratory care practitioners who are certified in other states. Motion carried unanimously.

**CONSIDER MOTION TO ADOPT CR09-006, CH. MED 8, RELATING TO
PRESCRIBING LIMITATIONS FOR PHYSICIAN ASSISTANTS**

MOTION: Suresh Misra moved, seconded by Raymond Mager, to adopt CR009-006 relating to prescribing limitations for physician assistants. Motion carried unanimously.

**REQUEST FOR PHYSICIAN ASSISTANT - PHYSICIAN SUPERVISION RATIO
INCREASE BY ARVIND AHUJA, MD**

The Board reviewed the request of Arvind Ahuja, MD, for an increase in the physician assistant-physician supervisor ratio. The Board deferred making a decision until additional information is received regarding physician assistant scheduling and their duties, including the types of procedures and examinations performed.

GRADUATE MEDICAL EDUCATION DISCUSSION

The Board discussed the current graduate medical education requirements. Wisconsin is the only state that requires just one (1) year of residency for both domestic and international medical graduates to be eligible for full licensure.

MOTION: Sandra Osborn moved, seconded by Bhupinder Saini, to request legislation to change the residency requirement from one (1) year to three (3) years in order to be eligible for full licensure, and to create a residency license. Motion carried. Opposed - 1

ALTERNATIVE MEDICINE DISCUSSION

MOTION: Sheldon Wasserman moved, seconded by Bhupinder Saini, to authorize legal counsel to draft a scope statement for rules regarding chelation therapy and informed consent requirements to patients. Motion carried unanimously.

REGULATORY DIGEST

Sujatha Kailas is the editor for the Board's Regulatory Digest, which will be available on the Department of Regulation and Licensing's website. The Board reviewed and made changes to the draft. Any additional suggestions or changes should be emailed to Dr. Kailas before the publication date.

SCREENING PANEL REPORT

Carolyn Bronston reported the screening panel screened 29 cases, opened 5 cases, sent two 10-day letters and put a flag on another case should the individual apply for a license in the future.

LEGISLATIVE LIAISON REPORT

This item was informational only.

IPP TASKFORCE REPORT

Sandra Osborn reviewed a summary of the IPP Taskforce recommendations. The Taskforce recommends the IPP Program remain in-house. The last scheduled Taskforce meeting is June 19, 2009. A list of final recommendations will be compiled and forwarded to Secretary Jackson.

PRACTICE QUESTIONS

Letter from Gary Andrews regarding hospital lab accepting orders from out-of-state physicians

This issue was reviewed and will be further discussed at the next Board meeting.

INFORMATIONAL ITEMS

Article from *The New Yorker*

Noted.

OTHER BUSINESS

Sandra Osborn was appointed to the Editorial Board of the Journal of Medical Licensure and Discipline.

PUBLIC COMMENTS

None.

CONVENE TO CLOSED SESSION

MOTION: Sujatha Kailas moved, seconded by Sandra Osborn, to adjourn to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests and requests for licensure, deliberating on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and

considering Division of Enforcement case status reports. Roll call vote: Carolyn Bronston – yes; Jude Genereaux - yes; Jerold Harter – yes; Sujatha Kailas - yes; Jack Lockhart - yes; Raymond Mager - yes; Suresh Misra - yes; Gene Musser - yes; Sandra Osborn-yes; Bhupinder S. Saini-yes; Sheldon Wasserman – yes. Motion carried unanimously.

Open Session recessed at 10:45 a.m.

RECONVENE IN OPEN SESSION

MOTION: Suresh Misra moved, seconded by Bhupinder Saini, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 1:31 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF VOTING IS APPROPRIATE

MOTION: Bhupinder Saini moved, seconded by Jerold Harter, to reaffirm all motions made during closed session. Motion carried unanimously.

SRIJAYA BANDI, MD REQUEST FOR WAIVER OF 12 MONTHS ACGME APPROVED POST GRADUATE TRAINING

Srijaya Bandi, MD, appeared before the Board to request a waiver of the requirement for twelve months of ACGME approved post graduate training.

MOTION: Bhupinder Saini moved, seconded by Sujatha Kailas, to approve the waiver of requirement for the twelve months of ACGME approved post graduate training. Motion carried unanimously.

RENE S VINCENTE, MD FULL BOARD ORAL EXAM

Rene S. Vincente, MD, appeared before the Board for an interview and an oral exam.

MOTION: Bhupinder Saini moved, seconded by Ian Munro, to fail Rene S. Vincente, MD, on the full board oral exam based on his answers to the medical questions and to notify him of the results. Motion carried unanimously.

**DELIBERATION OF PROPOSED STIPULATIONS,
FINAL DECISIONS AND ORDERS**

PERI L ALDRICH, MD

MOTION: Raymond Mager moved, seconded by Jack Lockhart, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter concerning Peri L. Aldrich, MD. Sujatha Kailas voted no. Ian Munro and Suresh Misra were absent for deliberation and abstained from voting. Motion carried.

STEVEN ERLEMEIER, MD

MOTION: Bhupinder Saini moved, seconded by Sujatha Kailas, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter concerning Steven Erlemeier, MD. Motion carried unanimously.

SUSAN E PATTIS, MD

MOTION: Raymond Mager moved, seconded by Bhupinder Saini, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter concerning Susan E. Pattis, MD. Motion carried unanimously.

NEDAL S MEJALI, MD

MOTION: Jack Lockhart moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter concerning Nedal S. Mejalli, MD. Motion carried unanimously.

ALEJANDRO VINLUAN, MD

MOTION: Jerold Harter moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter concerning Alejandro Vinluan, MD. Motion carried unanimously.

PROPOSED ADMINISTRATIVE WARNINGS

08 MED 296

MOTION: Raymond Mager moved, seconded by Jude Genereaux, to close case **08 MED 296** for no violation. Motion carried unanimously.

08 MED 396

MOTION: Bhupinder Saini moved, seconded by Ian Munro, to issue an administrative warning in case **08 MED 396**. Motion carried unanimously.

MONITORING

**THOMAS GOODRICH, DO
REQUEST FOR THREE MONTH STAY OF SUSPENSION**

MOTION: Suresh Misra moved, seconded by Ian Munro, to grant a three month stay of suspension to Thomas Goodrich, DO. Motion carried unanimously.

**STEVEN MASON, MD
REQUEST FOR MODIFICATIONS OF ORDER**

MOTION: Bhupinder Saini moved, seconded by Jude Genereaux, to deny the request of Steven Mason, MD, for modifications of practice limitations. Dr. Mason may not re-petition for modifications for six (6) months. Motion carried unanimously.

CASE CLOSINGS

07 MED 113

MOTION: Bhupinder Saini moved, seconded by Jerold Harter, to close case **07 MED 113** for no violation. Motion carried unanimously.

08 MED 363

MOTION: Jack Lockhart moved, seconded by Ian Munro, to close case **08 MED 363** for no violation. Motion carried unanimously.

08 MED 237

MOTION: Jack Lockhart moved, seconded by Jerold Harter, to close case **08 MED 237** for no violation. Motion carried unanimously.

06 MED 177

MOTION: Suresh Misra moved, seconded by Jerold Harter, to close case **06 MED 177** for prosecutorial discretion (P3). Ian Munro abstained. Motion carried.

06 MED 441

MOTION: Sujatha Kailas moved, seconded by Ian Munro, to close case **06 MED 441** for compliance gained. Bhupinder Saini abstained. Motion carried.

09 MED 086

MOTION: Sandra Osborn moved, seconded by Jude Genereaux, to close case **09 MED 086** for insufficient evidence and refer this case to the Milwaukee County drug unit. Sujatha Kailas voted no. Motion carried.

09 MED 018

The Board reviewed this case and wants a pediatric anesthesiologist to review the information before they make a decision.

07 MED 095

MOTION: Raymond Mager moved, seconded by Sujatha Kailas, to close case **07 MED 095** for no violation. Motion carried unanimously.

ADJOURNMENT

MOTION: Raymond Mager moved, seconded by Sujatha Kailas, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:33 p.m.